

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

AMERICAN ATELIER, INC.,	:	CIVIL ACTION
Plaintiff,	:	
	:	No. 13-7138
v.	:	
	:	
MATERIALS, INC.,	:	
Defendant.	:	

ORDER

This 22nd day of August, 2014, upon consideration of defendant's Motion to Dismiss, plaintiff's response, and defendant's reply, it is **ORDERED** as follows:

1. Defendant's motion as to Count I of plaintiff's complaint, alleging breach of contract, is **DENIED**.
2. Defendant's motion as to Count II of plaintiff's complaint, alleging breach of the implied warranty of merchantability, is **DENIED**.
3. Defendant's motion as to Count III of plaintiff's complaint, alleging breach of the implied warranty of fitness for a particular purpose is **GRANTED**, and Count III of plaintiff's complaint is **DISMISSED**.

/s/ Gerald Austin McHugh
United States District Court Judge